

# IN BRIEF:

Communities Promoting Healthier Living

## Mobile Vending:

### Opportunities for Collaborative Solutions to Building Healthy Communities

Communities across California acknowledge both the challenges and opportunities of mobile vending to increase access to healthy foods in low income neighborhoods. School districts, parents, local health departments, nonprofits, and local governments are looking for equitable solutions to this complex issue. Some communities, faced with unhealthy food offerings and safety issues resulting from the presence of vendors close to school grounds, have chosen to restrict vendors. Other communities view mobile vending as an opportunity to get healthy food deep into neighborhoods where it is presently limited. Those communities have chosen to enable vendors that sell healthy food only. The cities of Novato and San Jose featured in this case study represent these different solutions. To better understand their choices, a preliminary look at the mobile vending issue through the example of a typical California high school student could be helpful.

Victor, a fifteen year old boy in a California high school, eats a healthy breakfast burrito served in his classroom. At lunch, the hungry teenager piles vegetables on his plate from the school salad bar. There is a good chance those greens, peppers and carrots come from a local farm or the school garden. At recess, Victor finds the vending machine area, where he buys whole grain crackers and 100% juice that meet state and local nutrition standards for vending machines and school stores.

Victor is the beneficiary of decades of increasingly rigorous school nutrition policy at the federal level, the latest of which is the 2010 Healthy, Hunger-Free Kids Act (HHFKA)<sup>i</sup> which goes further than any previous legislation in creating standards for, and monitoring of, the school food environment. In California, state legislation, especially Senate Bill (SB) 12 and SB 965, have also had an impact on Victor's well-being. SB 12 established nutrition standards for food sold anywhere on school campuses outside the school meal program. SB 965 eliminated the sale of soda and other sweetened beverages on high school campuses in California, starting July 1, 2009. Similar standards had already been established through SB 677 for elementary and middle schools effective on July 1, 2014.<sup>ii</sup>

As a result of federal and state legislation and the continued urgency of the childhood obesity epidemic,<sup>iii, iv</sup> Victor's school has developed a wellness policy.<sup>v</sup> Federal funds from the education arm of the Supplemental Nutrition Assistance Program (SNAP-Ed) and initiatives such as Communities Putting Prevention to Work (CPPW) and Community Transformation Grants (CTG) have helped to fund implementation. School wellness policies may limit access to unhealthy food, ensure there are healthy food options, and increase opportunities for physical activity. Through nutrition education in the classroom, Victor understands the benefits of the changes in the cafeteria and vending machines,



and, maybe, because he grew the carrots himself in his school garden, he will tell you how sweet they are. But outside the school at 3:00 p.m., Victor and his friends spot the mobile vending truck parked against the curb just beyond the ball field. In a heartbeat, super-sized sugary beverages and bags of potato chips are in hand, and fried pork rinds poke from backpacks.

### **The Role City Planning Can Play: Restricting Mobile Vending**

In 2007, the American Planning Association (APA) produced a policy guide on city planners' role in community and regional food planning. The guide detailed reasons why local planners had been hesitant to become involved in food system planning and reasons why this attitude was changing. Hesitancy primarily resulted from the idea that food fell outside of planners' usual domains, coupled with a lack of understanding that there was a problem with the present system. Explanations for the new interest included the amount of urban and regional land consumed by food system activities, fossil fuel usage and pollution concerns, and equity, hunger and obesity issues that planners might have a part in solving.<sup>vi</sup> In the same guide, APA identified policy recommendations that addressed the availability of unhealthy food in areas close to schools. One such policy specifically recommended exploring the feasibility of zoning changes to limit the development of fast food outlets within a specified radius of schools and other youth-centered facilities.<sup>vii</sup>

In line with this recommendation, a 2009 guide produced by the US Conference of Mayors includes an action step to "adopt zoning regulations that limit the location of vending trucks near public properties such as schools, parks and recreational facilities."<sup>viii</sup> The conference cited not only nutrition benefits derived from limiting children's exposure to minimally nutritious foods, but also the health and safety benefits derived from protecting children from vehicle exhaust and the potential for auto-related injuries.

The mayors' position aligns with a call to action for local governments articulated in a recent report on protecting children from harmful food marketing. Although the report's emphasis is a separate, albeit related issue, the message resonates here:

An important role of local government is to serve as a testing ground for new and promising public health initiatives. One of the special features of our constitutional system is that, to paraphrase Justice Louis Brandeis, our states and localities serves as laboratories of democracy, testing new social and economic experiments that can be studied, adapted, and honed to benefit other jurisdictions.<sup>ix</sup>

As partners in anti-obesity efforts, California municipalities have taken up this call, creating policies to promote healthy eating for school-age children. Some have chosen to restrict mobile vending around schools. Others have put ordinances in place that enable vendors who sell only healthy food, such as uncut produce, salads or ready-to-eat fresh fruit, to operate near school grounds.

Many California cities have taken action to prevent mobile vendors selling unhealthy food near schools. A recent American Heart Association (AHA) policy brief lists a dozen cities that have enacted policies that prohibit mobile vendors operating within 500 to 1,500 feet

### **Overview of Novato**

Novato is the northernmost city in Marin County, California, and is located approximately 29 miles north of San Francisco and 37 miles northwest of Oakland.

Marin County's population as of January 2012 is 256,069, and the median age is 40.3 years.

Novato's population is:

- 66% White
- 21% Hispanic
- 7% Asian
- 3% Black
- 3% all other

The City Council is made up of five members, elected at large, serving four-year terms. The Mayor is selected for a one-year term from among the members of the City Council.

"We want families to see, to feel what we're talking about. This is what we're taking out of their kids' diets."

~ Miguel Villarreal at the Tour de Novato



from school grounds.<sup>x</sup> The AHA, among other groups, puts mobile vending into the category of "competitive foods" that require regulation in the school food environment just as cafeteria meals do.<sup>xi, xii</sup> However, because mobile vendors operate near, not on, school property, policy must be generated from local governing bodies rather than school districts. Getting ordinances in place usually involves a reciprocal education process among schools, the nonprofit sector, several public agencies and elected officials.

### Community Supports Ban in Novato

In early 2012, the Novato City Council unanimously passed an ordinance to prohibit mobile vending 1,500 feet from all schools, public and private. From Miguel Villarreal's perspective, the policy that passed was the result of years of educating the community and policy makers and a good deal of patience and perseverance. Villarreal is the Director of Food and Nutrition Services and the Student Wellness Coordinator at Novato Unified School District (NUSD). A passionate advocate for health and for Novato students, he has worked in school nutrition for over 30 years and is exceptionally proud of the work NUSD has done to create a healthy food environment.

Villarreal connects the rise of vendors around the schools to the implementation of school nutrition reform. "It's a matter of supply and demand," he said. "When the food dynamic in schools changed, and the school sold only healthy food and beverages, the vendors came in to fill that vacuum." With the passage of SB 12 and SB 965 in 2007, the many trucks proliferating along school sidewalks could not be ignored. When school district staff went to the City Council, they were told that the vendors were licensed, which meant that the City of Novato had no current recourse. "So, we decided to spend time educating the city and the community why it was necessary to remove the vendors," Villarreal said.





A mobile vendor selling fresh fruits and vegetables, making it easy for parents to buy fresh produce on routes to and from school .

A partnership formed that included the County Department of Health and Human Services, other health-allied organizations, such as Kaiser Permanente, that had been working on substance abuse prevention, and a nonprofit, the Youth Leadership Institute, that trained youth how to engage and educate policy makers.

For close to five years, these advocates, including youth, garnered letters of support, made presentations at school and for community groups and the City Council, but the City felt its hands were tied with no resources to enforce the policy. Then, according to Villarreal, the tide changed in 2011 with a growing safety problem resulting from the glut of vending trucks. He recalls the police getting involved due to kids congregating around the trucks, vendors fighting for space and even paying students to hold space for them by parking their own cars in the morning and moving them when vendors came to claim their space during the lunch hour. It was then, Villarreal remembers, that the principals really stepped up, and the new Superintendent reached out to City officials. But he insists that all the years of advocacy and nutrition education paid off, and, though safety issues created enough of a sense of urgency to pass a law, the Council was informed and articulate about what this would mean for nutrition and student health.

Councilmember Madeline Kellner was Mayor in 2012, when the ordinance passed. Kellner remembers when the safety issue tipped the scales, and the work to see if an ordinance was feasible became a cross-sector effort involving the City Manager's office, the Police, Parks and Recreation, the District Superintendent and Food Services. She also remembers the impassioned youth who came to the City Council to plead their case early on. "They knew what they wanted," said Kellner, "but we had to back up and consider what we could actually do." She said that with budget realities including a 25% staff cut, the passion of advocates can seem like "one more rock to put in our backpack." Kellner added that the City is likely to back away when approached by those who already have the solution, but if all stakeholders can work on a solution that addresses their multiple perspectives—Kellner called this an interest-based approach—there's more likelihood of success. In the case of Novato's ordinance, the interests addressed were safety, nutrition, and the City's resources to enforce the law. Kellner thinks the solution to obesity has to be comprehensive with shared responsibility in every domain of the community, from individuals to schools to government, and it's imperative to build relationships across those domains. "It's always easier to work on change when relationships already exist," she said.

### Lessons From Novato

- Advocates working with local governments could benefit from an interest-based approach: Replace the frame of "competing priorities" with "multiple interests and perspectives."
- Potential impact on multiple issues, especially issues that fall more clearly into the government domain, may justify expenditure of resources. Cross-sector collaboration and advocacy efforts help illuminate this impact.
- Build relationships all the time.
- Actively engage the community to build active constituencies.
- Stay in for the long haul.



## Overview of San Jose

Located in Santa Clara County's Silicon Valley, the incorporated City of San Jose is about 50 miles from San Francisco. It is the largest city in northern California's nine-county Bay Area and the third largest in California. Close to a million people live in San Jose, a "young" city with a median age of 35.8 years.

San Jose's population is diverse:

- 33% Asian
- 33% Hispanic
- 27% White
- 3% African American
- and 4% other.

San Jose has 16 school districts and three unified school districts. Most schools are in residential neighborhoods.

The Novato ordinance met with some resistance soon after it was passed, with trucks appearing back at school curbsides, testing the waters. Villarreal said that this is where his belief in community engagement was affirmed. "Police initially gave lots of warnings and "issued tickets to those who violated the ordinance," he said, but it wasn't working. So we educated the community and asked them to call the police if they saw a truck near the schools." This neighborhood watch effort paid off. According to Councilwoman Kellner, the police chief confirms that the ordinance is working, and there are no mobile vending trucks operating near Novato schools.

Instead of placing a ban on mobile vendors near schools, some communities are opting to put healthy vendors in place. This can be accomplished in a number of ways including: (1) regulating the types and numbers of mobile vendor licenses to promote increased licensing of healthy mobile vendors; and (2) restricting types of goods sold by mobile vendors, which incentivizes the sale of healthy food. An example of the first option is New York City's Green Cart initiative which created 1,000 additional city permits to operate in designated neighborhoods. This initiative increased the availability of fresh fruit and vegetables in neighborhoods where access is a challenge and there are high rates of diet-related disease. An example of the second option can be seen in Kansas City, where mobile food vendors in public parks receive a 50% discount on annual permits fees if their food meets the City Health Department's nutritional standards.<sup>xiii</sup>

## City Council Enables Green Carts in San Jose

On May 14, 2013, the San Jose City Council passed an ordinance<sup>xiv</sup> to allow mobile vending of uncut fruits and vegetables in public meeting areas, such as schools, churches and parks, in residential neighborhoods. This ordinance, based on the New York City Green Cart model,<sup>xv</sup> operationalizes the City's expressed desire to create "vibrant neighborhoods." A four-year update process that included community input resulted in the "Envision San Jose 2040 General Plan" includes the goal of ensuring healthy food access at the neighborhood level and identifies a strategy to work with the Santa Clara Public Health Department and the non-profit health sector to attract healthful food retailers to low income neighborhoods and bring healthful food options near schools.<sup>xvi</sup>

Historically, San Jose's zoning code did not allow vending of any kind in residential areas, and most schools are in these areas rather than in industrial or commercial centers. According to Andrew Crabtree, San Jose's Planning Division Manager, this ordinance will give the City the ability to increase access to fresh fruit and vegetables in school locations by updating zoning codes to reflect current community values, such as the desire to live in health promoting, mixed use, walkable neighborhoods. "Historically, there was a desire to keep commercial enterprises out of residential areas, but now we are reintroducing commercial activities into neighborhoods," Crabtree said. Most of these policies involve deregulation, but some, like keeping payday lending business out of residential areas, involve imposing regulations.

The San Jose ordinance does not address other kinds of mobile vending, which reflects a conscious decision on the part of planners to keep the effort manageable. The Health Trust, a local operating foundation (which conducts programs and advocacy work as well as grant-making) has been a major partner in Santa Clara County's policy efforts to



Produce carts act as a vehicle  
to enable new behavior  
allowing kids increased access  
to fruits and vegetable.

increase access to healthy foods in low income neighborhoods. Through the Health Trust's Healthy Living Initiative and partially through funding from a Communities Putting Prevention to Work (CPPW) grant, the foundation provided technical assistance to help the San Jose City Council prioritize healthy food access from among General Plan strategies. Rachel Poplack is the Director of the Healthy Living Initiative. Rachel cautions practitioners to be realistic and targeted. "We didn't reach for fresh produce permits anywhere in residential districts," she said. "We identified specific public places within those areas." Andrew Crabtree agrees that this approach is one of the reasons for the ordinance's passage. "We made a decision early on to define the scope in a manageable way, focusing only on smaller vendors who would sell only uncut produce," he said. This eliminated potential enforcement issues around health code requirements that would accompany regulation of other kinds of carts selling prepared food.

Poplack said that while the schools themselves were not partners in planning efforts, they are key to successful implementation. First, schools are a major access point for children and families. Poplack sees the produce carts as a vehicle to enable new behavior, making it easy for parents to buy fresh produce on routes to and from school. Making the Electronic Benefit Transfer (EBT) payment method available will make the choice even easier for families receiving CalFresh benefits. Second, parents have expressed an interest in becoming produce vendors to supplement family income, which demonstrates their buy-in to the new vending policy. Nutrition practitioners know that parental buy-in is critical to successful healthy food campaigns aimed at children and youth. Third, nonprofit organizations located on and near school sites have been involved and will continue to be so during implementation. They can provide community education and help create host sites that welcome produce vendors to school areas, as well as other community places such as transit hubs, clinics, YMCA's and parks. Nonprofit organizations will also work with the Health Trust on an entrepreneurial program to train vendors on the ordinance, ensuring they understand where and when to vend and what permits are required. Training materials will include a version of the ordinance that has been translated into lay language and, courtesy of San Jose State University's Department of Urban and Regional Planning, visual representations of ordinance language in a series of user-friendly maps.

### Lessons From San Jose

- A clear commitment to health-promoting practices in the General Plan is most often the first step to policy development. Community engagement during this process is crucial. What the community wants will move efforts forward.
- Advocacy efforts should include finding commonalities among councilmembers. For example, members in underserved communities are interested in equity and will want to increase access to healthy food, while other councilmembers may want to remove barriers to economic development, new business, and regulations in general. An "enabling" ordinance meets both these interests.
- Learn from what's been done. Technical assistance and support can provide model strategies and ordinances. The Health Trust brought in Karp Industries, which conducted the feasibility study for New York, to do the same for Healthy Mobile Vending in Santa Clara County.
- Be realistic and targeted in your efforts.
- Stay in for the long haul.

- i. **Healthy Hunger Free Kids Act summary, National Alliance for Nutrition and Activity, Center for Science in the Public Interest**  
[http://www.cspinet.org/nutritionpolicy/priority\\_nutritionprogram.html](http://www.cspinet.org/nutritionpolicy/priority_nutritionprogram.html)
- ii. **California Center for Public Health Policy Legislative Successes**  
<http://www.publichealthadvocacy.org/legislation.html>
- iii. **Ogden CL, Carroll MD, Kit BK, Flegal KM. Prevalence of obesity and trends in body mass index among US children and adolescents, 1999-2010. Journal of the American Medical Association 2012;307(5):483-490**
- iv. **National Center for Health Statistics. Health, United States, 2011: With Special Features on Socioeconomic Status and Health. Hyattsville, MD; U.S. Department of Health and Human Services; 2012.**
- v. **Center for Science in the Public Interest, Model School Wellness Policies**  
<http://www.schoolwellnesspolicies.org>
- vi. **Policy Guide on Community and Regional Food Planning, American Planning Association**  
<http://www.planning.org/policy/guides/adopted/food.htm>
- vii. **Ibid**
- viii. **Mayors' Guide to Fighting Child Obesity**  
<http://usmayors.org/chhs/healthycities/documents/guide-200908.pdf>
- ix. **Harris JL, Graff SK. Protecting Children from harmful food marketing: Options for Local Government to Make A Difference. Prev Chronic Dis 2011;8(5):A92.**  
[http://www.cdc.gov/pcd/issue/2011/sep/10\\_0272.htm](http://www.cdc.gov/pcd/issue/2011/sep/10_0272.htm)
- x. **Mobile Vending Near Schools Policy Statement, June 2012.**  
[http://www.heart.org/idc/groups/heart-public/@wcm/@adv/documents/downloadable/ucm\\_446658.pdf](http://www.heart.org/idc/groups/heart-public/@wcm/@adv/documents/downloadable/ucm_446658.pdf)
- xi. **National Consensus Panel on School Nutrition: Recommendations for Competitive Food Standards in California Schools, California Public Health Advocacy**  
[http://www.publichealthadvocacy.org/PDFs/school\\_food\\_stan\\_pdfs/Nutrition%20Standards%20Report%20-%20Final.pdf](http://www.publichealthadvocacy.org/PDFs/school_food_stan_pdfs/Nutrition%20Standards%20Report%20-%20Final.pdf)
- xii. **Foods Sold in Competition with USDA School Meal Programs, A Report to Congress, Center for Science in the Public Interest**  
[http://www.cspinet.org/nutritionpolicy/Foods\\_Sold\\_in\\_Competition\\_with\\_USDA\\_School\\_Meal\\_Programs.pdf](http://www.cspinet.org/nutritionpolicy/Foods_Sold_in_Competition_with_USDA_School_Meal_Programs.pdf)
- xiii. **Mobile Vending Near Schools Policy Statement, June 2012.**  
[http://www.heart.org/idc/groups/heart-public/@wcm/@adv/documents/downloadable/ucm\\_446658.pdf](http://www.heart.org/idc/groups/heart-public/@wcm/@adv/documents/downloadable/ucm_446658.pdf)
- xiv. **San Jose City Council Meeting, 5/14/13 p. 7.**  
<https://ca-sanjose.civicplus.com/DocumentCenter/View/15897>
- xv. **New York City Green Carts FAQ**  
[http://www.nyc.gov/html/doh/downloads/pdf/cdp/green\\_carts\\_faq.pdf](http://www.nyc.gov/html/doh/downloads/pdf/cdp/green_carts_faq.pdf)
- xvi. **Envision San Jose 2040**  
<http://www.sanjoseca.gov/DocumentCenter/Home/View/474>

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## Additional References

### Banning Junk Vendors Around Schools

California Food Policy Advocates

<http://www.cpfa.net>

### Mobile Vending Near Schools Policy Statement, June 2012.

[http://www.heart.org/idc/groups/heart-public/@wcm/@adv/documents/downloadable/ucm\\_446658.pdf](http://www.heart.org/idc/groups/heart-public/@wcm/@adv/documents/downloadable/ucm_446658.pdf)

### Promoting Healthy Vending Around Schools

Change Lab Solutions

<http://changelabsolutions.org/childhood-obesity>

June M. Tester, Stephanie A. Stevens, Irene H. Yen, and Barbara L. Laraia. **An Analysis of Public Health Policy and Legal Issues Relevant to Mobile Food Vending.** American Journal of Public Health: November 2010, Vol. 100, No. 11, pp. 2038-2046.doi: 10.2105/AJPH.2009.185892

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